REMARKS

This supplemental response is filed to remedy the inadvertent omission of the last two pages of the response filed on June 29, 2011. More specifically, this supplemental response includes the last two pages of the "Remarks" section and signature block (*i.e.,* pages 7 and 8), which were inadvertently omitted from yesterday's submission.

Reconsideration of the pending application is respectfully requested in view of the foregoing amendments and the following remarks.

Status of the Application

Claims 11, 13-17 and 27-30 are currently pending, with claims 1-10, 12 and 18-26 having been cancelled without prejudice. Of the currently pending claims, claims 11 and 13-17 are amended, and claims 27-30 are new. As all of the amended and new claims are fully supported by the application as filed, no new matter has been introduced into the application by way of this amendment.

Summary of the Office Action

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being unclear.

Claims 11-17 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Published Application No. 2002/0131572A1 ("Paradis") in view of U.S. Published Application No. 2003/0014284A1 ("Jones").

Claims 18-24 are rejected under 35 U.S.C. § 103(a) as being obvious over Paradis in view of U.S. Patent 6,389,454 ("Ralston et al.").

Claims 25-26 are rejected under 35 U.S.C. § 103(a) as being obvious over Paradis in view of Ralston et al. in further view of Jones.

Discussion

The Office Action submits that Paradis discloses and teaches each of the method steps included in claims 11-17, with the exception of the grouping relation aspect. *See* Office Action, p. 3. Applicant respectfully submits that the method described in independent claims 11 and 27 are patentable over the art of record.

The method of claim 11 describes a method for optimizing the scheduling, via a medical information system, a plurality of exams for a patient. The method comprises: (a) grouping into a grouping relation, by the medical information system, exams available to all patients having at least one resource in common, wherein resource is a location, a therapy, a device or a person; (b) inputting into the medical information system the plurality of exams for the patient; (c) selecting one of the plurality of exams for scheduling; (d) determining, by the medical information system, whether there exists a grouping relation between the selected exam and one or more of the plurality of exams for the same patient that were not selected; (e) displaying by the medical information system a listing of those exams from the plurality of exams for the patient that have a grouping relation; (f) selecting at least one other exam from the listing to be co-scheduled with the selected exam; (g) co-scheduling the exam selected in step (c) and the at least one other exam selected in step (e) for a continuous period of time.

The method thus provides *inter alia* a method by which a plurality of exams may be co-scheduled based on a grouping relation between a selected exam and a non-selected exam or exams, and permitting a plurality of exams that have a grouping relation to be co-scheduled for a continuous period of time.

In contrast, Paradis does not teach a method of optimizing a patient's schedule when that patient requires a plurality of exams. Instead, Paradis teaches a method of scheduling a single "task" for a patient. Specifically, Paradis requires a user to identify a single "task" to be scheduled for the patient, *e.g.*, surgery, treatment, physical examination, and the resources required for that task, with the system then "determining whether or not there are available times for scheduling the required resources." *See* Paradis, ¶¶ [0016], [0020]. Paradis then teaches that the patient's and the resources' schedules are loaded from a database and an overlap in availability is identified for purposes of scheduling the single "task". *See* Paradis, ¶ [0020]. The user is presented with several choices of available times for the task appointment and accepts one of the choices. *Id.*

Paradis is thus a "matching" system for a single "task"—a system which is limited to searching for availability of resources identified as necessary by a user who is scheduling the "task". Once the resources are available, the single task is scheduled.

In marked contrast, the claimed method optimizes the scheduling of a plurality of examinations, wherein *inter alia* a plurality of exams may be entered into the system, one of the plurality of exams is selected by a user for scheduling; the medical information system then determining whether there exists a grouping relation between the selected exam and one or more of the non-selected exams; the system then displaying a listing of the non-selected exams for which there exists a grouping relation; with the user then selecting at least one of the non-selected exams for co-scheduling; and co-scheduling the plurality of selected exams for a continuous period of time.

This aforesaid optimization of the scheduling of a plurality of exams via the medical information system based on the grouping relationship is not in any manner provided or taught by Paradis.

The addition of the Jones et al. reference does not address the deficiencies in Paradis. Jones et al. is limited to teaching a computer program which includes a database of medical information to permit a heath care provider to be guided through a physical examination via the grouping of the systems of the human body. *See* Jones, ¶¶ [0025, 0034]. The system further permits a user to record data generated during an examination in a manner suitable for billing. *See* Jones, ¶ [0025]. In addition, the system permits patient medical history to be conveniently displayed for reference during an examination. *See* Jones, ¶¶ [0031-0032].

Clearly, Jones et al. has nothing at all to do with the scheduling of a plurality of examinations for a single patient, let alone doing so in the manner described by the pending claims. Based on the Jones et al. disclosure, there is no basis at all for combining Jones et al. with Paradis if one were concerned with scheduling—Paradis is concerned solely with the scheduling of a single patient examination, while Jones et al. is concerned with what happens during, and after (*i.e.*, billing), the examination.

Assuming *arguendo* that Paradis and Jones et al. may be combined, the claimed method would not be provided. Instead, the combination may provide a method for scheduling a single examination (Paradis), wherein during that single examination the Jones et al. system could be used to inform the provider of the patient's medical history, guide the examination, and also enable recording of the examination results to enhance patient billing. This far afield from the claimed methods.

Newly presented claim 27 includes the method steps of claim 11, but with the further requirement that the least one common resource comprises a location and at least one of a therapy, a device or a person. Dependent claims 28-30 set forth further requirements for these common resources.

Based on the foregoing, Applicant respectfully submits that the claimed subject matter is not rendered obvious by the alleged combination of Paradis and Jones et al. Withdrawal of the obviousness rejection based upon this combination is respectfully solicited.

As claims 18-26 have been cancelled without prejudice, the rejections of those claims set forth in the Office Action have been rendered moot.

Conclusion

As Applicant believes the application is in proper condition for allowance, the examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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Date: June 30, 2011